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TO

Amend the Law relating to Salmon Fisheries in Ireland. A.D. 1892.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 5    1. This Act may be cited for all purposes as the Salmon Fisheries (Ireland) Act, 1892. Title of Act.
2. This Act shall not apply to England or Scotland. Application of Act.
3. The seventy-sixth section of the Act five and six Victoria, chapter one hundred and six, the thirtieth section of the Act Acts repealed.  
10 twenty-six and twenty-seven Victoria, chapter one hundred and fourteen, and the fourth section of the Act thirty-second Victoria, chapter nine, shall be and are hereby repealed.
4. The Acts enumerated in the schedule to this Act annexed shall be incorporated with this Act and construed together as one Incorporation of Acts.  
15 Act, except where the provisions thereof are altered by this Act or are repugnant thereto.
5. In the construction of section seventy-four of the Act five and six Victoria, chapter one hundred and six, the words "unseasonable salmon" shall include salmon called keeves, kippers, keepers, kelts, Definition of the words "unseasonable salmon" used in the 5 & 6 Vict. c. 106, s. 74.  
20 or mended kelts, and salmon, by whatever local name known, which are returning to the sea after spawning.
6. If any person shall empty or discharge or permit to run or flow into any river or lake any water in which flax or hemp has been steeped, he shall forfeit and pay for every such offence a sum Discharging flax water into rivers, &c. prohibited.  
25 not exceeding *ten pounds* and not less than *two pounds*, and in case the person who shall have actually committed any such offence shall not be known or found, then in such case the owner or occupier of the land on which such flax or hemp has been steeped

[Bill 209.]

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Alteration  
of the penalty  
imposed by  
the 5 & 6  
Vict. c. 106.  
s. 80.

7. Every person who shall commit any of the offences specified in section eighty of the Act five and six Victoria, chapter one hundred and six, shall forfeit and pay a sum not less in any case than *two pounds* and not exceeding the sum of *ten pounds*.

Discharge of  
poisonous  
matters or  
liquids into  
rivers, &c.  
prohibited.

8. In case it shall appear that there has been thrown, emptied, or discharged into any river or lake any dyestuff or other deleterious or poisonous liquid or matter proceeding from any mill, factory, or manufacturing process, and the person who shall have actually committed any such offence shall not be known or found, then and in such case the owner or occupier of such mill, factory, or manufacturing premises shall be deemed and taken to be liable to and shall incur the penalty specified in section 80 of the Act five and six Victoria, chapter one hundred and six, as amended by this Act, in the case of persons throwing, emptying, or discharging or causing to run or flow into any river or lake any deleterious or poisonous liquid or matter, as if such offence had been actually committed by such owner or occupier.

Incorporation  
of  
provisions of  
"Malicious  
Injuries  
Act" so far  
as they  
relate to  
poisoning  
waters.  
(24 & 25 Vict.  
c. 97.)

9. The provisions of the thirty-second section of the "Malicious Injuries to Property Act," so far as they relate to poisoning any water with intent to kill or destroy fish, shall be extended and apply to rivers frequented by salmon as if the words "or in any river frequented by salmon" were inserted in the said section in lieu of the words "private rights of fishery" after the words "noxious material in any such pond or water."

Use, &c.  
of dynamite,  
&c. in any  
lake, &c.  
with intent  
to kill  
salmon, &c.  
prohibited.

10. Any person throwing into or using in any lake, river, or estuary, or having in his possession near any lake, river, or estuary, dynamite or other explosive compounds, with intent to kill or destroy salmon or other fish, shall be liable on summary conviction to a penalty not exceeding *twenty pounds*, and not less than *ten pounds*, or, in the discretion of the court, to be imprisoned with or without hard labour, for a term not exceeding *two months*.

Alteration of  
5 & 6 Vict.  
c. 106. s. 63.

11. The owner or occupier of any dam, weir, dyke, or other erection placed after the passing of the Act five and six Victoria, chapter one hundred and six, in or across any river frequented by salmon, or of any dam, weir, dyke, or other erection which has been increased since the passing of the said Act, or which shall hereafter

he increased, who omits or fails to make in such dam, weir, dyke, or other erection such provision for the free passage of salmon, trout, and other fish as is required by the sixty-third section of the said Act five and six Victoria, chapter one hundred and six, shall incur a penalty not exceeding *twenty pounds* for every such offence, and a further penalty not exceeding *two pounds* for every day during which such offence is continued, commencing from the date of the first conviction.

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12. It shall be lawful for the inspectors of fisheries to direct in writing that in all the watercourses, mill-races, cuts, sluices, or other channels constructed for the purpose of conveying water for any purpose from any river frequented by salmon to any mill or other premises, there shall be placed, fixed, maintained and kept, and in thorough repair, by the owner or occupier of such mill or other premises, at his own expense, during such periods of the year as shall be by such direction prescribed, at their points of divergence from and return to such river, or at such other points as shall be by such direction prescribed, gratings or other devices or constructions of the form and dimensions to be by such direction provided, so as to effectually prevent the passage of salmon or the young of salmon or trout into such watercourses, mill-races, cuts, sluices, or other channels, or into the machinery of such mill or other premises. And it shall be lawful for the said inspectors from time to time after the giving of any such direction as aforesaid, after public inquiry held by them with respect thereto, to amend, alter, vary, rescind, or annul the same, and give new directions in lieu thereof with like power to amend, alter, vary, rescind, or annul such substituted directions, and any such owner or occupier neglecting or omitting so to place, fix, maintain and keep, and in thorough repair, such gratings or other devices or constructions so directed as aforesaid, shall incur a penalty not exceeding *ten pounds* and not less than *five pounds*, and also a sum not exceeding *five pounds* for each day during which such grating or other devices or constructions shall not be so placed, fixed, maintained, and kept, and in thorough repair, commencing from the date of the first conviction. A copy of any such direction purporting to be sealed by the seal of the inspectors of fisheries shall be received in evidence by all courts.

Power for inspectors of fisheries to direct gratings to be constructed on watercourses of mills.

13. Where a turbine or other similar hydraulic machine is supplied from a river frequented by salmon or trout, the person owning or using such machine shall, in order to prevent salmon or

As to the use of hydraulic machines.

A.D. 1892. the young of salmon and trout from passing into such machine, provide, erect, maintain, and keep, and in thorough repair, gratings or other efficient means of a form and description to be prescribed by the inspectors of fisheries; and shall erect, fix, maintain, and keep the same at such places and during such periods of the year 5 as said inspectors shall in writing direct. And in case such gratings or other efficient means as so directed shall not be provided, erected, maintained, and kept, and in thorough repair, such person shall forfeit on summary conviction a sum not exceeding *fifty pounds*, and also a sum not exceeding *five pounds* for 10 each day during which he shall fail to comply with the provisions of this section. A copy of any such direction purporting to be sealed by the seal of the inspectors of fisheries shall be received in evidence in all courts.

Penalty for three or more persons in concert at night illegally killing salmon.

14. If three or more persons acting in concert or being together 15 in company shall at any time between the expiration of the first hour after sunset on any day and the beginning of the last hour before sunrise on the following morning enter or be found upon any ground adjacent or near to any lake, river, estuary, or the sea, or in or upon any lake, river, or estuary, or the sea, with intent illegally to take or kill salmon, or having in his or their possession any net, rod, spear, light, or other instrument used for taking salmon, with such intent as aforesaid, or shall illegally take or kill, or attempt to take or kill, or aid or assist in killing or taking salmon, every such person shall be liable on summary 25 conviction either to a fine not exceeding *ten pounds*, and not less than *five pounds*, or, in the discretion of the court, to be imprisoned with or without hard labour for a term not exceeding two months, and to the forfeiture of all boats, nets, and gear used or attempted to be used in such illegal fishing. 30

Conservators empowered to issue labels and fix licence duty upon nets for capture of salmon, trout, pollen, eels, and eel lines.

15. It shall be lawful for Boards of Conservators of districts from time to time, as shall seem to them expedient, but subject to the approval of the inspectors of fisheries, to fix and determine the scale of licence duty payable for each net for the capture of salmon, trout, pollen, or eels (and for lines used for the capture of 35 eels), said licence duty to be in proportion to the length of said net and to its capabilities of capture, and the said Boards are authorised and empowered to issue annually, in manner in said Acts provided with respect to licences, at a charge not exceeding *three pence* per label, zinc or other labels, to be attached to each 40 net licensed for the capture of salmon, trout, pollen, or eels, and to

each line licensed for the capture of eels, each label showing in figures the length of the net to which same is to be attached, and the description thereof, together with the amount of the licence duty that has been previously paid therefor, and the number of the year for which same is issued, and the name or number describing the district in which such net or line shall be authorised to be used, such labels to be only good and valid for the year, district, and purpose for which the same shall be issued, and for no other, and if any person shall use any net for the capture of salmon, trout, or pike, or any line for the capture of eels, without the same having duly attached thereto such a label as aforesaid, such person shall be liable to a penalty of not less than *two pounds*, and not more than *ten pounds*, together with forfeiture of the nets or lines so used. And if any person shall use any such label for any other year, district, net, or purpose, or in any manner alter or fraudulently counterfeit the same, he shall be liable to a penalty of not less than *five pounds*, and not more than *twenty pounds*: Provided always that this section shall not alter the licence duty fixed or payable under the said Acts for stake or bag nets or nets used in the eyes or gaps in any river, which shall remain in force as if this Act had not been passed.

16. No person shall have in his possession or buy, sell, or expose for sale any salmon or part of any salmon in any town or place during the close season for salmon, for the river or lake or part of the sea coast nearest to such town or place, and any person acting in contravention of this section shall forfeit any salmon or part of any salmon found in his possession, or bought, sold, or exposed for sale, and shall incur a penalty not exceeding *ten pounds*, and a further penalty of not less than *ten shillings* and not exceeding *two pounds* for every such salmon or part of any salmon. But nothing herein contained shall apply to any person having in his possession or buying, selling, or exposing for sale, any clean fresh salmon caught beyond the limits of the United Kingdom, or caught within the limits of the United Kingdom at a time when, and in a place where, the capture of same was lawful, but the burden of proving that any clean fresh salmon so found in possession, or bought, sold, or exposed for sale, was captured abroad or lawfully captured within the United Kingdom, shall lie on the person having in his possession, or buying, selling, or exposing for sale, any such salmon or part thereof.

Penalty for any person having in possession salmon caught in close season.

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Minimum  
penalty for  
fishing in  
the close  
season.

17. Whereas by the said Act of the fifth and sixth years of Her present Majesty's reign, in section thirty-six, it is provided that if during the close season for salmon for any river, lake, estuary, or any part of the sea coast, any person shall wilfully take or fish for, or aid or assist in taking or fishing for, any salmon or trout therein 5 or therefrom, such person shall forfeit and pay any sum not exceeding ten pounds for every such offence, and shall also forfeit every fish so taken, and every net or engine by which the same may have been taken. And whereas it is expedient that a substantial minimum penalty should be specified for such offences. Be it 10 therefore enacted that any person who shall commit any of the said offences shall (in addition to the forfeitures imposed) forfeit and pay a sum not less than *five pounds* and not exceeding *twenty pounds*.

Alteration of  
penalty  
imposed by  
11 & 12 Vict.  
c. 92. s. 41.

18. There shall be repealed so much of the forty-first section of the Act of the session of the eleventh and twelfth years of the 15 reign of Her present Majesty, chapter ninety-two, as provided that the penalty for the offences therein mentioned shall be not less than ten shillings nor more than five pounds, and in lieu thereof be it enacted that every person who shall commit any of the offences in the said section specified shall pay a sum not less than *five* 20 *pounds* and not more than *ten pounds*, together with forfeiture of the engine used.

Repeal of the  
5 & 6 Vict.  
c. 108. s. 65  
and s. 78, and  
13 & 14 Vict.  
c. 88. s. 40.  
Penalty for  
having or  
using lights,  
otters, gaffs,  
lysters, &c.  
at any time  
in inland  
rivers.

19. Sections sixty-five and seventy-eight of the Act of session of the fifth and sixth years of the reign of Her present Majesty, chapter one hundred and six, and section forty of the Act of the 25 session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter eighty-eight, are hereby repealed, and in lieu thereof be it enacted that if any person shall have or use in any fresh waters, river, or lake, or on the banks thereof, at any season of the year for the purposes of, or with the intent of, taking salmon 30 or other fish, any light or fire of any kind or any spear (except eelspears), lyster, stroke-haul, dree-draw, or other such instrument, otter, or gaff (except when the latter implement is used solely as auxiliary to angling legally with rod and line, or for the purposes of removing fish from any legal weir or box by the owner or 35 occupiers thereof) or any net (except a lawful net had or used by the owner of a several fishery or his licensee within the limits thereof), or if any person shall be found at any time chasing, injuring, or disturbing spawning fish or fish on the spawning beds, or attempting to catch fish in such places (except with rod and 40

flies only within the lawful period), or damming or teeming or emptying any weir, watercourse, river course, or mill-race, for the purpose of taking or destroying any salmon or trout, or the fry thereof, every person so offending in any of the cases aforesaid shall  
5 forfeit all such instruments and implements, and shall forfeit and pay any sum not exceeding *ten pounds*, and not less than *four pounds*.

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20. On any application to the inspectors for a transfer or renewal of a certificate for any fixed engine for which a certificate  
10 shall have been granted by them, or by the special commissioners for Irish fisheries under the provisions of the Salmon Fishery (Ireland) Act, 1863, the original certificate produced from the office of the said inspectors shall be conclusive evidence that such  
15 fixed engine was legally erected for catching salmon during the open season of 1862, and that all the provisions of the Act of the five and six Victoria, chapter one hundred and six, in regard to such fixed engine have been complied with.

Original certificate of inspectors for fixed engine, evidence same was legally erected in 1862.

21. Where a certificate has been granted by the special commissioners for Irish fisheries or by the said inspectors for any fixed  
20 engine erected in pursuance of the provisions of the nineteenth section of the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter one hundred and six, the right to erect and use such fixed engine may from henceforth be exercised by any person holding same under a valid grant for any  
25 term or interest whatsoever, and the possession and occupation by such person of the land adjoining the shore to which such fixed engine is attached shall not be deemed necessary for the legal use of such fixed engine, anything in the said Act or the said Acts to the contrary notwithstanding.

Certificate of fixed engine erected under 5 & 6 Vic. c. 19. shall be conclusive evidence of any person holding same under a valid grant for any term (without being the occupation of the land adjoining the shore) to use such engine.

30 22. The provisions of the Pollen Fisheries (Ireland) Act, 1891, save sections three and four thereof, shall extend to salmon and trout.

The provisions of the Pollen Fisheries (Ireland) Act, 1891, extended so as to include salmon and trout.

23. All officers and men of the constabulary, and all other officers and persons appointed to carry out and enforce the provisions of the Salmon Fisheries Acts now in force, shall also be  
35 empowered to carry out and enforce the provisions of this Act and the Fishery Acts now in force.

Constabulary and other officers to carry out and enforce this Act and Fishery Acts now in force.

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Regulation  
of penalties  
under the  
Salmon  
Fisheries  
(Ireland)  
Acts.Definition of  
"summary  
conviction."Recovery of  
penalties.

24. The penalty in respect of any offence under the Salmon Fisheries (Ireland) Acts shall on a conviction for a second offence be not less than *one half* of the maximum penalty capable of being imposed in respect of such offence, and on a conviction for a third or subsequent offence the full penalty mentioned therein shall be imposed.

25. "Summary conviction" shall mean a conviction under the Petty Sessions (Ireland) Act, 1851, or any Acts in force for the like purpose in the police district of Dublin metropolis, or any Acts amending such Acts.

26. All penalties imposed by this Act shall be recovered and applied in manner in which penalties under the said Acts are recoverable and applicable.

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## SCHEDULE.

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	5 & 6 Vict. c. 106.
	7 & 8 Vict. c. 108.
	8 & 9 Vict. c. 108.
5	9 & 10 Vict. c. 114.
	11 & 12 Vict. c. 92.
	13 & 14 Vict. c. 88.
	26 & 27 Vict. c. 114.
10	29 & 30 Vict. c. 88.
	29 & 30 Vict. c. 97.
	32 Vict. c. 91.
	32 & 33 Vict. c. 92.
	54 & 55 Vict. c. 20.